



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KENNETH CAMERON,

Plaintiff,

- against -

COACH APPAREL STORE, et al.,

Defendants.  
-----X

07 Civ. 3991 (BSJ) (DFE)

(This is not an ECF case.)

MEMORANDUM AND ORDER

DOUGLAS F. EATON, United States Magistrate Judge.

In this *pro se* civil lawsuit, the Coach defendants (represented by Jon Quint, Esq.) and the City defendants (represented by Caroline Chen, Esq.) made separate motions to Judge Jones in December 2007. In an Opinion and Order dated March 3, 2009, Judge Jones denied judgment on the pleadings and she converted the motions into motions for summary judgment. In an Order dated March 25, 2009, Judge Jones wrote:

On March 16, 2009, this Court received a letter from Plaintiff indicating that he wished to engage in discovery in order to prepare his opposition to Defendant[s'] motion[s] for summary judgment.

This case was previously referred to Magistrate Judge Eaton and will proceed under a schedule [to be] established by him. Accordingly, any discovery requests should be directed to Magistrate Judge Eaton.

In my April 29, 2009 Memorandum and Order, I set the following schedule:

By May 12, 2009, Mr. Cameron must serve any discovery requests in writing on both Mr. Quint and Ms. Chen. By June 30, 2009, the parties must complete whatever discovery they believe to be pertinent to the question of summary judgment. By July 17, 2009, Mr. Cameron must mail his opposition papers to Judge Jones (and mail a copy to Mr. Quint, and mail a copy to Ms. Chen). By July 31, 2009, each defendant may submit any reply papers to Judge Jones (and mail a copy to Mr. Cameron and to counsel for the other defendants).

7/1/09

I then mailed Mr. Cameron's copy of my April 29 Memorandum and Order to his last known address at 44 Metropolitan Oval, Bronx, NY 10462. To date, the United States Postal Service has not returned that document to me.

In a letter to me dated May 6, 2009, Mr. Quint advised that Mr. Cameron had violated his parole on April 23, 2009. Mr. Quint said that he had spoken to Mr. Cameron's parole officer, and was told that Mr. Cameron "would most likely be the subject of a revocation hearing which would not occur for several weeks." After receiving the May 6 letter, I had my law clerk check the prisoner locator website on May 11, 2009. According to the website, Mr. Cameron was listed as having been released from Sing Sing on July 3, 2008; he was not listed as being in the custody of the New York State Department of Corrections.

Mr. Cameron entered Downstate Correctional Facility on June 15, 2009. On June 24, 2009, he notified our Court that this is his new address. In a letter to me dated June 29, 2009, Mr. Quint wrote:

By the copy of this letter to Mr. Cameron at his new address, I am enclosing your prior [April 29] order and my May 6 letter. Despite the fact that Mr. Cameron has obviously had other issues to deal with, it is still our belief that this matter deserves prompt adjudication. If Mr. Cameron had nothing to add, the motion for summary judgment should be decided....

I believe that Mr. Cameron timely received my April 29 Memorandum and Order, and yet failed to serve any discovery requests. On the other hand, I believe he is in a wheelchair with an oxygen tank. **I hereby give Mr. Cameron one last extension of time until July 10, 2009, to serve any written discovery requests upon both Mr. Quint and Ms. Chen (with a copy to me).** I hereby direct the defendants to serve Mr. Cameron, by July 31, 2009, with (a) their responses to any such requests (with a copy to me) and (b) an extra copy of their papers in support of their pending motion (with no copy to me). **I direct Mr. Cameron to serve, by August 13, 2009, any papers in opposition to summary judgment (with a courtesy copy to Judge Jones, not to me).** The defendants may then have until September 10, 2009 to serve any reply papers (with a courtesy copy to Judge Jones, not to me).

I direct Mr. Quint and Ms. Chen to send me two letters or one joint letter on July 20, 2009 (by fax and by mail), informing me as to whether they have received any discovery requests from

Mr. Cameron.



DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181

Dated: New York, New York  
July 1, 2009

Copies of this Memorandum and Order are being mailed to:

Kenneth Cameron  
05-R-1883  
Downstate Correctional Facility  
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Fishkill, NY 12524-0445

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Hon. Barbara S. Jones